

## Calendar No. 579

107TH CONGRESS }  
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SENATE

{ REPORT  
107-262

### BUFFALO BAYOU NATIONAL HERITAGE AREA STUDY ACT

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SEPTEMBER 9, 2002.—Ordered to be printed

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Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 1776]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1776) to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in West Houston, Texas, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE

The purpose of H.R. 1776 is to direct the Secretary of the Interior, in consultation with the State of Texas, the city of Houston, and other appropriate organizations, to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas.

#### BACKGROUND AND NEED

The Buffalo Bayou played a large role in the history and development of Houston, Texas. In the 1820s, the Buffalo Bayou was considered a reliable immigration and navigation route into the interior of Texas, eventually leading to the development of the Houston Ship Channel. The Houston Ship Channel, one of the busiest waterways in the United States, ranks first in the nation in foreign shipping and serves as home to the country's largest concentration of oil refining and petrochemical production.

The Buffalo Bayou also played a role in the fight for Texas' independence and is significant in American military history. The Battle of San Jacinto was fought in 1836 at the convergence of the Buffalo Bayou and the San Jacinto River.

A number of Houston's oldest park areas, historic sites and early ethnic neighborhoods line the banks of the Buffalo Bayou. The Buffalo Bayou Partnership ("Partnership") serves as a liaison among groups pursuing development of the bayou's public and private entities and has worked with Rivers, Trails and Conservation Assistance Program and other local groups to establish a 5 mile rail-trail that runs parallel to the Bayou. There is a commitment by the Partnership to complete the Buffalo Bayou Trail along the 12-mile segment of the Bayou. The Bayou now serves as a focal point for downtown Houston, encouraging its residents to enjoy and appreciate this valuable resource.

Many groups and communities in the area value the Bayou's heritage and open space and are interested in pursuing ways to enhance these qualities. A study that examines the natural, cultural, and recreational significance and values of the area, while ensuring public involvement, could make recommendations on the best method to protect and use these resources of this part of Houston.

#### LEGISLATIVE HISTORY

H.R. 1776 was introduced by Representative Gene Green on May 9, 2001. The House of Representatives passed the bill by a voice vote on October 30, 2001. Companion legislation, S. 1809, was introduced by Senator Hutchison on December 12, 2001. The Subcommittee on National Parks held a hearing on H.R. 1776 and S. 1809 on April 18, 2002. At the business meeting on July 31, 2002 the Committee on Energy and Natural Resources ordered H.R. 1776 favorably reported.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 31, 2002, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1776.

Section 1 entitles the bill the "Buffalo Bayou National Heritage Area Study Act."

Section 2(a) sets forth congressional findings.

Subsection (b) directs the Secretary of the Interior to conduct a suitability and feasibility study, sets forth requirements for conducting the study and consultation.

Subsection (c) establishes the boundaries of the study as an area roughly bounded by Shepherd Drive and extending to the Turning Basin, commonly referred to as the "Buffalo Bayou," in Houston, Texas.

Subsection (d) provides that a report on the findings, conclusions, and recommendations of the study be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives within 3 years from the date on which funds are made available.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 12, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1776, the Buffalo Bayou National Heritage Area Study Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE  
(For Dan L. Crippen, Director).

Enclosure.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

##### *H.R. 1776—Buffalo Bayou National Heritage Area Study Act*

H.R. 1776 would direct the Department of the Interior to conduct a study to assess the feasibility and suitability of establishing the Buffalo Bayou National Heritage Area in Houston, Texas. The study would identify cultural and other resources in the area to be studied and would determine if there is a suitable entity to manage it. The legislation would require the department to report on its findings and recommendations within three years of receiving funds.

Assuming the availability of appropriated funds, CBO estimates that it would cost about \$300,000 over the next three years to complete the required study and report. Enacting H.R. 1776 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 1776 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1776. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1776, as ordered reported.

## EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to H.R. 1776 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, DC, July 16, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on S. 1809 and H.R. 1776. These bills would authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas.

The Department supports the intent of both S. 1809 and H.R. 1776 and we recommend approval of H.R. 1776, as passed by the House of Representatives on October 30, 2001. However, the Department did not request additional funding for this study in Fiscal Year 2003. We believe that any funding requested should be directed towards completing previously authorized studies. Presently, there are 34 studies pending, of which we hope to transmit 4 to Congress by the end of 2002. To meet the President's Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. Thus, we have concerns about new funding requirements for a new heritage area that could be required if the study recommends designation while the Department is trying to eliminate the deferred maintenance backlog. As such, the Department will identify in each study all acquisition, one-time, and operational costs of the proposed site. At this time, these costs are not known.

Both S. 1809 and H.R. 1776 outline the characteristics and qualities of the Buffalo Bayou area in Houston, Texas including the history and role of the Bayou in the creation and development of the city. The bills authorize the Secretary of the Interior to conduct a suitability and feasibility study to determine if the area known as Buffalo Bayou in Houston, Texas could be designated as a national heritage area. S. 1809 and H.R. 1776, as introduced, authorize \$200,000 in Fiscal Year 2002 to fund the study, with a report due to Congress describing the results of the study.

In a July 17, 2001 hearing, the Department testified that we could support H.R. 1776 if amended to make the bill similar to previous national heritage area study bills. At the subcommittee markup, H.R. 1776 was amended incorporating the Department's suggestions. The amendments included providing a more definitive boundary for the area to be studied and inserting a new paragraph in the bill which states that the study include analysis and documentation that the Study Area:

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and

private entities and by combining diverse and sometimes non-contiguous and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, and/or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, non-profit organizations, and local and state governments who are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the federal government, and have demonstrated support for the concept of a national heritage area;

(G) has potential management entity to work in partnership with residents, business interests, non-profit organizations, and local and state governments to develop a national heritage area consistent with continued local and state economic activity; and

(H) has a conceptual boundary map that is supported by the public.

Again, H.R. 1776, as passed by the House of Representatives, includes the amendments incorporating the Department's suggestions; we therefore recommend its approval.

The National Park Service has not had extensive involvement in the Houston area. However, the Rivers, Trails and Conservation Assistance Program (RTCA) has worked with the Buffalo Bayou Partnership and other local groups to establish a 5 mile rail-trail that runs parallel to the Bayou. Through that work, and from review of planning documents and activities surrounding the Bayou, it is clear that this area of Houston was central to the creation of city. The Bayou has now become a focal point for downtown Houston, encouraging its residents to enjoy, use, and appreciate their great resources today as the city continues to renew and define itself.

It is also evident that the groups and communities in the Houston area value their heritage and open space and are looking for ways to maintain and enhance these qualities. A study that looks at the natural, cultural, and recreational significance and values of the area could make recommendations on the best method to protect and use these resources while retaining the character of this part of Houston.

As we have previously testified, there are several steps we believe should be taken prior to Congress designating a national heritage area to help ensure that the heritage area is successful. Those steps are: a completion of a suitability/feasibility study; public involvement in the suitability/feasibility study; a demonstration of widespread public support among heritage area residents for the proposed designation; and commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

Previous work in the community demonstrates the commitment to the idea of pursuing a study to look at further protection and

preservation options. It is also apparent that there is widespread support for the Buffalo Bayou that will ensure public involvement. A critical element of the study will be to evaluate the integrity of the resources and nationally distinctive character of the region before commending national heritage area designation.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CRAIG MANSON,  
*Assistant Secretary for Fish and Wildlife and Parks.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 1776, as ordered reported.

